

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CLIFTON DACAS,

Plaintiff,
-against-

ORDER ADOPTING REPORT &
RECOMMENDATION
17-cv-3568 (EK) (SMG)

VINCENT DUHANEY, JEANETTE CLOUDEN AKA
JEANETTE DUHANEY, RUTLAND ROAD MEAT
AND FISH, et al.

Defendants.

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ERIC KOMITEE, United States District Judge:

Plaintiff Clifton Dacas brought this action for unpaid wages and damages under the Fair Labor Standards Act and New York Labor Law. See generally Complaint, ECF No. 1; Amended Complaint, ECF No. 70. On December 11, 2018, Plaintiff moved for default judgment against two Defendants (986 Rutland Realty, LLC and EPP Management LLC). Motion for Default Judgment at 1, ECF No. 36. On October 15, 2019, Magistrate Judge Steven M. Gold issued a Report and Recommendation (R&R) recommending that the Court deny Plaintiff's motion for default judgment but award Plaintiff "reasonable attorneys' fees and costs incurred in connection with" that motion. R&R at 18, ECF No. 67. The district judge at the time, Judge I. Leo Glasser, adopted Judge Gold's R&R, and preemptively referred any dispute regarding the amount of attorneys' fees to Judge Gold as well. Order at 1-2,

ECF No. 69. This case was subsequently reassigned to the undersigned.

On December 20, 2019, Plaintiff moved to recover \$33,120.00 in attorneys' fees and \$478.86 in costs. Memorandum of Law in Support of Plaintiff's Motion for Attorneys' Fees and Costs at 4, ECF No. 79-2. After reviewing the parties' submissions, Judge Gold recommended that the Court award Plaintiff only part of that sum - specifically, \$15,126.00 in attorneys' fees and \$478.86 in costs. R&R at 12, ECF No. 93.

A district court reviewing a magistrate judge's R&R "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where, as here, no party objects to the magistrate judge's R&R, the district court "need only satisfy itself that there is no clear error on the face of the record." *Jarvis v. N. Am. Globex Fund L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (citation omitted). The statutory period for filing objections has passed, and neither party objected to Judge Gold's R&R.

Having reviewed the record and Judge Gold's well-reasoned R&R, the Court finds no error (much less clear error) in Judge Gold's decision. Accordingly, the Court adopts his R&R

in its entirety. Plaintiff's motion for attorneys' fees is granted in part and denied in part.

SO ORDERED.

/s Eric R. Komitee
ERIC KOMITEE
United States District Judge

Dated: August 10, 2020
Brooklyn, New York